

REMARKS/ARGUMENTS

The Declaration of Gianni Girotti signed on July 21, 2009 provides additional factual evidence in support of patentability. The Declaration provides two additional comparative examples based on the Girotti art cited by the Examiner in the June 18, 2008 Office Action. The comparative examples provide the transalkylation reaction performance of a catalyst according to the Girotti disclosure.

The Girotti catalyst is first tested under the conditions used for Example 2 of the present application (see pages 24-26). Under these conditions the Girotti catalyst, which is a beta zeolite-based catalyst having porosity characteristics that do not meet the requirement of the present claims, provides conversion that is too low to continue with the test.

When the transalkylation reaction is carried out under more forcing conditions, i.e., at a temperature of 270°C in comparison with the 210°C of Example 2 of the present application, the conversion improves but is still much less in comparison to Example 2 of the present application. In addition, at the higher transalkylation temperature, the Girotti catalyst undergoes high deactivation.

The Declarant declares:

It is my opinion that one of ordinary skill in the art would understand that the comparison provided above shows that the catalytic composition of the present claims is significantly and unexpectedly superior to the Girotti catalyst with respect to both performance in transalkylation reaction to ethyl benzene and the mechanical property crushing strength.

See paragraph no. 7 of the Declaration.

Applicants submit that the factual evidence of the Girotti Declaration is further probative of patentability and respectfully request allowance of all now-pending claims.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Stefan U. Koschmieder, Ph.D.
Attorney of Record
Registration No. 50,238